

REMARKS

Claim 32 has been amended. No claims have been canceled. No new claims have been added. Claims 1-32 are pending.

Claim 32 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite due to a lack of proper antecedent basis. Claim 32 has been amended to provide proper antecedent basis. Accordingly, the rejection to claim 32 under 35 U.S.C. § 112, second paragraph should be withdrawn.

Applicants' representative is grateful for the allowance of claims 15-22, 25-28, and 30.

Claims 1-14, 23-24, 39, and 31-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rossi (U.S. Patent No. 6,753,801). This rejection is respectfully traversed.

35 U.S.C. § 103(c) states "[s]ubject matter developed by another person, which qualifies as prior art only under ... subsections (e) ... of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made ... subject to an obligation of assignment to the same person." The Rossi patent qualifies as prior art to the present invention only under 35 U.S.C. § 102(e) because this application was filed between the filing date and grant date of Rossi. Further, inventor Rossi and the inventors of the present application were employees of Micron Technology, Inc. at the times of their respective invention, and as such, were respectively obligated to assign their inventions to Micron Technology, Inc. The front page of the Rossi patent states that the patent is assigned to Micron Technology, Inc., which is also the assignee of the present application. 35 U.S.C. § 103(c) therefore disqualifies the use of the Rossi patent as prior

art under 35 U.S.C. § 103(a). Copies of the assignments for the present application and the Rossi patent are attached to this Amendment. Accordingly, the rejection under 35 U.S.C. § 103(a) to claims 1-14, 23-24, 39, and 31-32 should be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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